

RACHEL H. MITCHELL  
MARICOPA COUNTY ATTORNEY

By: CHARLES E. TRULLINGER (018936)  
THOMAS P. LIDDY (019384)  
JOSEPH J. BRANCO (031474)  
JOSEPH E. LA RUE (031348)  
Deputy County Attorneys  
[trullinc@mcao.maricopa.gov](mailto:trullinc@mcao.maricopa.gov)  
[liddyt@mcao.maricopa.gov](mailto:liddyt@mcao.maricopa.gov)  
[brancoj@mcao.maricopa.gov](mailto:brancoj@mcao.maricopa.gov)  
[laruej@mcao.maricopa.gov](mailto:laruej@mcao.maricopa.gov)

CIVIL SERVICES DIVISION  
225 West Madison Street  
Phoenix, Arizona 85003  
Telephone (602) 506-8541  
Facsimile (602) 506-4316  
[ca-civilmailbox@mcao.maricopa.gov](mailto:ca-civilmailbox@mcao.maricopa.gov)  
MCAO Firm No. 00032000  
*Attorneys for Defendant Maricopa County*

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

TPG Communications, LLC, d/b/a The  
Gateway Pundit, a Missouri limited  
liability company; and Jordan  
Conradson, an individual,

Plaintiffs,

v.

Jack Sellers, Thomas Galvin, Bill Gates,  
Clint Hickman, and Steve Gallardo, in  
their respective official capacities as  
members of the Maricopa County Board  
of Supervisors; Stephen Richer, in his  
official capacity as the Maricopa County  
Recorder; Rey Valenzuela and Scott  
Jarrett, in their official capacities as  
Maricopa County Election Directors;  
and Megan Gilbertson and Marcus

NO. 22-CV-01925-JJT

**JOINT MOTION TO STAY PENDING  
RULING ON INTERLOCUTORY  
APPEAL**

1 Milam, in their official capacities as  
2 Maricopa County Communications  
3 Officers,

4 Defendants.

5 The Parties, pursuant to Federal Rule of Civil Procedure 7 and LRCiv. 7.2, hereby  
6 move for an order staying the above-captioned case until thirty days after the Ninth Circuit  
7 Court of Appeals rules on the pending interlocutory appeal, as follows:

8 **I. BACKGROUND**

9  
10 On November 23, 2022, this Court issued an order denying Plaintiffs Corrected  
11 Emergency *Ex Parte* Motion for a Temporary Restraining Order (Doc. 27). On November  
12 28, 2022, Plaintiffs filed a Notice of Appeal of the interlocutory order (Doc. 28). On  
13 November 30, 2022, Plaintiffs filed a Motion for an Injunction Pending Appeal (DktEntry  
14 5-1), which was granted on December 5, 2022. (9<sup>th</sup> Cir. DktEntry 13). On January 12, 2023,  
15 the Ninth Circuit Court of Appeals held oral argument on the pending appeal.  
16

17 Pending before this Court is an order for the parties to participate in a telephonic  
18 pretrial scheduling conference on February 21, 2023, at 9:00 a.m. (Doc. 37). The parties are  
19 required to meet at least 21 days before the Pretrial Scheduling Conference in accordance  
20 with Fed. R. Civ. P. 26(f).  
21

22 **II. ARGUMENT**

23 Based on issues raised during oral argument, both parties believe the Ninth Circuit  
24 ruling will, at a minimum, narrow the issues going forward and possibly result in the parties  
25 being able to reach a settlement. And if not, the ruling is likely to narrow the issues in this  
26 Court, determine the scope of any discovery, and determine whether the parties will be able  
27  
28

1 to reach a settlement.

2 “The Court's authority to stay a proceeding is ‘incidental to the power inherent in  
3 every court to control the disposition of the causes on its docket with economy of time and  
4 effort for itself, for counsel, and for litigants.’” *Vargas v. Cnty. of Los Angeles*, No. CV 19-  
5 3279 PSG (ASX), 2021 WL 2403162, at \*3 (C.D. Cal. May 5, 2021) (citing *Landis v. North*  
6 *Am. Co.*, 299 U.S. 248, 254 (1936)).

7  
8 “*Landis* was decided specifically to guide courts deciding on whether to stay  
9 proceedings,’ and it is the ‘growing consensus of the district courts in this Circuit’ to  
10 apply *Landis* when evaluating a motion to stay proceedings.” *Perkins v. City of Anaheim*,  
11 No. 819CV00315JLSJDE, 2022 WL 2255013, at \*2 (C.D. Cal. Feb. 2, 2022) (referencing  
12 *Landis v. North Am. Co.*, 299 U.S. 248 (1936)).

13  
14  
15 The *Landis* test counsels courts to consider ‘the competing  
16 interests which will be affected by the granting or refusal to  
17 grant a stay,’ including ‘the possible damage which may result  
18 from the granting of a stay, the hardship or inequity which a  
19 party may suffer in being required to go forward, and the  
orderly course of justice measured in terms of the simplifying  
or complicating of issues, proof, and questions of law which  
could be expected to result from a stay.’

20 *Perkins*, No. 819CV00315JLSJDE, 2022 WL 2255013, at \*3 (C.D. Cal. Feb. 2, 2022).

21  
22 In the present case, the delay caused by a stay should be minimal, as the Ninth Circuit  
23 is likely to rule relatively quickly. Both parties have an interest in staying the proceedings  
24 pending the interlocutory appeal and do not perceive any damage to themselves in doing  
25 so. To the contrary, since attorney fees can be granted pursuant to 42 U.S.C. §1988, it is in  
26 the interest of both parties to limit the amount of attorney fees incurred while the  
27 interlocutory appeal is pending. Judicial economy and limiting the issues is also likely to be  
28

1 served by staying proceedings until thirty days after the Ninth Circuit rules on the pending  
2 appeal. This will give the parties an opportunity to discuss the legal issues remaining in this  
3 Court and determine whether settlement can be achieved.

4  
5 **III. CONCLUSION**

6 Plaintiffs and Defendants hereby jointly move for an order staying proceedings in this  
7 Court until thirty days after the Ninth Circuit rules on the pending interlocutory appeal.

8 **RESPECTFULLY SUBMITTED** this 20<sup>th</sup> day of January 2023.

9 RACHEL H. MITCHELL  
10 MARICOPA COUNTY ATTORNEY

11 BY: /s/ Charles E. Trullinger  
12 CHARLES E. TRULLINGER

13 RANDAZZA LEGAL GROUP, PLLC

14 BY: /s/ Marc J. Randazza (w/permission)  
15 MARC J. RANDAZZA

16 GINGRAS LAW OFFICE, PLLC

17 BY: /s/ David S. Gingras (w/permission)  
18 DAVID S. GINGRAS

19 BURNS LAW FIRM

20 BY: /s/ John C. Burns (w/permission)  
21 JOHN C. BURNS  
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26  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 20, 2023, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Honorable John J. Tuchi  
Judge of the United States District Court  
Sandra Day O'Connor U. S. Courthouse Suite 525  
401 West Washington Street SPC 83  
Phoenix Arizona 85003 2161

Marc J. Randazza  
RANDAZZA LEGAL GROUP, PLLC  
[ecf@randazza.com](mailto:ecf@randazza.com)

David S. Gingras  
GINGRAS LAW OFFICE, PLLC  
[David@GingrasLaw.com](mailto:David@GingrasLaw.com)

John C. Burns  
BURNS LAW FIRM  
[TBLF@pm.me](mailto:TBLF@pm.me)  
*Attorneys for Plaintiffs*  
*TPG Communications, LLC, and Jordan Conradson*

/s/ J. Christiansen

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